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AN
APPEAL
TO THE
LANDED INTEREST
OF
GREAT BRITAIN,
ON THE
OPERATION
OF THE
Commercial Treaty with France.

BY A COUNTRY GENTLEMAN.

L O N D O N :

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M DCC LXXXVII.



W H E N a man thinks proper unsolicited to give his thoughts to the world, it becomes in some measure incumbent on him, to assign a sufficient reason for such an obtrusion—The author of the following sheets has no apology to urge, but, that having in vain attended till the present moment, with the hope that some more able champion would have stepped forth in behalf of himself and his brother Land owners—he feels himself at length unwillingly compelled to enter the lists in

their defence : And though while he takes up the gauntlet, he is conscious how unequal he is to the combat, yet, at the same time he feels this consolation, that if he fails in the attempt, at least he shall perish in the cause of truth and justice.

He will not here, according to the mode of some modern writers, expatiate on his honours or his wealth—If titles do not encircle his brow, virtues may yet inhabit his breast—And though his Rent-roll be not so long as a Lawyer's bill, he hopes that he may still deserve the title of an INDEPENDENT COUNTRY GENTLEMAN.

Having thus he thinks sufficiently introduced himself to his readers, he will now without further digression, pursue the particular object of this Address, namely, to consider, and endeavour to investigate, the *probable effects of Mr. Eden's Treaty on the LANDED INTEREST of Great Britain.*

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The Treaty having undergone such a variety of discussion, and its operation on the MANUFACTURING INTERESTS of this country, having been so amply and ably explained, by writers evidently conversant with the subject ; it would ill become him to think, that on that head at least, his feeble efforts could add to its illustration.

But the Treaty is composed of a variety of branches, which may be separated, not improperly into two grand divisions ; the one formed of those which have been already considered, and which constitute the Commercial part ; and the other of those, more particularly applicable to the LANDED INTEREST.

The author is not unconscious how unfashionable a doctrine it has of late been held, to suppose any thing like a separation of Interests can exist, between the Manufacturers and the Land-owners ; nor is he unaware of the load of obloquy to which

he exposes himself by attempting to ascertain such a distinction—Yet, however liberal may be the principle upon which this idea of an union has been suggested ; however gratifying to our feelings may have been the delusion ; if we examine into the grounds upon which this opinion was formed, we shall find, that it was our wishes which persuaded, and not our judgment that convinced—It is an unpleasing, but an incontrovertible fact, that nature has set an insuperable bound to such a connection——For while *Commerce* can flourish but by throwing the Taxes on the *Landed Interest* ; it is imposing too severe a task on human frailty, to expect that she will willingly submit to a fair participation of the public burthens.

In support of this doctrine, and to shew that it is founded upon something more than wanton assertion, we will here give the sentiments of that celebrated writer Dr. Adam Smith, whose philosophic min-
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sets him above every imputation of prejudice or partiality.

“ *Merchants and Manufacturers,*” says the Doctor, “ are the two classes of people who commonly employ the largest capitals, and who by their wealth draw to themselves the greatest share of public consideration. As during their whole lives they are engaged in plans and projects, they have frequently more acuteness than the greater part of the *country gentlemen*. As their thoughts, however, are commonly exercised rather about the interest of their own particular branch of business, than about that of the society, their judgment, even when given with the greatest candour, (which it has not been upon every occasion) is much more to be depended upon with regard to the former of those two objects, than with regard to the latter. Their superiority over the country gentleman is, not so much in their knowledge of the public interest as in their having a
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better knowledge of their own interest than he has of his. It is by this superior knowledge of their own interest that they have frequently imposed upon his generosity and persuaded him to give up both his *own* interest and *that* of the *Public*, from a very simple but honest conviction, that *their* interest and not *his* was the interest of the Public, “Wealth of nations Vol. I. folio 396.”

But we have no occasion for general reasoning or speculative principles to establish this point—let us only recur to the invariable practice of a long series of years, and we shall find that the Land-owners have not only contributed their quota of Excises, stamps, and the numberless train of &c. &c. &c. jointly with their fellow subjects; but that we have also laboured under a variety of oppressions, entirely and specifically our own; and these not of trivial or contemptible nature, but arising nearly to the enormous amount of half the national

national revenue—to attempt to enumerate these charges would be almost as endless as the laws which impose them—suffice it to recollect, that the Land-tax alone produces two millions of pounds, and to this if we add the Window-tax, the Commutation-tax, the House-tax, and above all the Poors-rates*; it will be found that the calculation is rather too low than exaggerated.

* Though the *Poor's-rate* is not actually paid into the Public Treasury, but is levied at the private will of each parish; yet as the reduced members of a community, are, in conformity, to the laws of God and nature, intitled to a support from their more fortunate brethren, it matters little by what mode this support is procured—whether it be derived from a general or a partial contribution, the sum received from the public is precisely the same; and of consequence ought upon every principle of justice to be deemed a PUBLIC TAX.

Another argument in favour of the *Poor's-Rate* being a *Public Tax*, is, that it *reduces the price of labour*, by securing an Asylum to the industrious artificer, when age or infirmities shall compell him to throw himself for support, upon that country, whose wealth has been the produce of his happier days.

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It will perhaps be said, that the latter are taxes on the tenant and not on the Landlord—most certainly they nominally are so—but though they may be levied on the tenant, it is the Landlord who really pays them, as the rent of the *Farm* must be reduced in proportion to the burthens the *Farmer* is directed to bear.

It may be asked from whence this material distinction has arisen; and by what means so numerous a body of men as the Land-owners, has been prevailed on to contribute in so disproportionate a manner to the public necessities? The answer is obvious—because it has possessed no means of resistance. An effectual opposition to a Ministerial measure can only be carried on by connection, and no such connection exists among *them*.—Though the general interest of the community is indisputably the same, yet the local interests of individuals, are so multifarious and opposite, that it would
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be found impossible to unite them to any effect.

But let us on the other hand examine the situation of Commerce—there we shall find that its very first principle is monopoly, and its existence depends upon combination—if an attempt be made to injure even one of its most obscure members, the whole hive is alarmed, and the rash intruder will be instantly stung to death: In short the relative situations of the Commercial and Landed interests cannot be more clearly illustrated, than by the allegorical delineation of the Ottoman and German empires—the one, as a dragon with one head and many tails; and the other as a dragon with one tail and many heads—the first, artfully insinuating itself through the mazes of the political forest, with ease attains the object of its wish; while by each individual member of the other pursuing a distinct passage, and in vain struggling to force its way through the intricate labyrinth; its progress

gress is impeded ; its power becomes exhausted in unavailing efforts ; and that very strength which united, would have been irresistible, by an improper application is rendered the source of its own destruction.

Sir Robert Walpole used to say, that the country gentlemen were like their sheep—you might *fleece* them again and again, and they would never resist—but that the Manufacturers were like hogs—if you attempted to pluck the smallest bristle of the smallest pig, the whole sty instantly raised such an outcry, that the unfortunate operator would not feel much inclination to repeat the experiment.

Indeed a moment's reflection must convince us, that the interest of the Land-owner and of the trader are compleatly different ; the wealth of the one is affixed to the soil of his country ; on that country alone he depends for support ; and if that country be ruined, his posterity must perish—far
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different is the situation of the other; his property is removeable with as much facility as his person—regardless of the future he attends merely to the interests of the moment, assured that his children can convey their fortunes to that part of the globe which yields the largest share of enjoyments.

From hence it appears that the Landowners ought to be particularly attentive to the Commercial Treaty upon two considerations—first to try it as it may affect their present interest, and secondly as it may be injurious to their successors.

If upon a minute investigation it should turn out, that the Treaty will really afford a solid and permanent increase of profit to the Merchant and Manufacturer; it will then become necessary for us, maturely to weigh, whether this advantage be not obtained by a sacrifice of the Landed Interest, but on the other hand, should it appear,

that this addition of gain is only to gratify the present purpose, and that the meteor of a moment is to be succeeded by a long, eternal night; it will then behove the Land-owners to unite heart and hand, and forgetting all petty political animosities, by a strenuous and manly resistance against the nefarious proposition, overturn a measure that must consign their children to fawn and cringe in base dependence on a court, or in a servitude scarcely more dishonourable, perhaps even to attend as menials on the offspring of pot-makers and sadlers.

For example, suppose we should discover, that by the † 6th Article of the Treaty, the duties on French brandies are so reduced, as to give them when fairly entered a manifest and decided superiority over our own manufactory of malt spirits—and suppose

† ART. VI, SEC. 3. The BRANDIES of *France*, instead of *nine shillings and six pence, and twelve twentieths of a penny, sterling*, shall for the future pay, in *Great Britain*, only SEVEN SHILLINGS sterling, per gallon, making four quarts English measure.

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in addition, that not content with ceding to France this advantage, by the ‡ 5th, 19th, and

‡ ART. V. The subjects of each of their said Majesties may have leave and licence to come with their ships, as also with the merchandizes and goods on board the same, the trade and *importation* whereof are not prohibited by the laws of either kingdoms, and to enter into the countries, dominions, cities, ports, places and rivers of either party, situated in Europe, to resort thereto, and to remain and reside there, without any limitation of time.

ART. XIX. The ships of either party being laden, sailing *along the coasts* of the other, and being forced by storm into the havens or ports, or MAKING LAND there *in any other manner whatever*, shall not be obliged to unlade their goods, or any part thereof, or to pay any duty unless they, of their own accord, unlade their goods there, and sell some part thereof. But it shall be lawful, permission having been first obtained from those who have the direction of maritime affairs, *to unlade and sell* a small part of their cargo, merely for the end of purchasing necessities, either for victualling or refitting the ship; and *in* that case the whole lading shall not be subject to pay the duties, but that small part only which shall have been taken out and sold."

ART. XXV. " The ships belonging to the subjects and inhabitants of the respective kingdoms coming to *any of the coasts* of either of them, *but without being willing to enter into port*, or, being entered, yet

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and 25th Articles, we have also consented to abolish every restriction heretofore imposed against the illicit introduction of that commodity; will it not be evident that our corn distillery must inevitably be destroyed? And of consequence, that any trifling returns obtained from France for these concessions, have been purchased, entirely and absolutely at the expence of the country gentlemen.

In support of the second part of our argument, we will imagine another hypothesis.—suppose, also by the 6th article, that a perfect freedom be given by France to the importation of our *Manchester goods*—the superiority we possess in that article is notorious, the sale will of course immediately be great, and the fortunes, acquired by the present dealers, immense—But suppose not willing to land their cargoes or break bulk, shall not be obliged to give an account of their lading, unless they are suspected, upon sure evidence, of carrying prohibited goods, called contraband, to the enemies of the two high contracting parties.

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pose also we find, that this superiority does not arise from our possessing any natural advantages in the material, but from our having fortunately discovered some particular arts in fabricating the machines requisite for its Manufacture, and from the legislature having enacted the severest penalties to prevent those arts from being disclosed, and the required artificers seduced and suppose by by the * 4th and 5th articles of the Treaty that

Article IV.

* The subjects and inhabitants of the respective dominions of the two sovereigns shall have liberty, *freely* and *securely*, without licence or passport, general or special, by land or by sea, or any other way, to enter into the kingdoms, dominions, provinces, countries, islands, cities, villages, towns, walled or unwalled, fortified or unfortified, ports, or territories whatsoever, of either Sovereign, situated in Europe, and to return from thence, to remain there, or to pass through the same, and therein to *buy* and purchase, as they please, *all things necessary* for their *subsistence* and *use*.

Article V.

They shall also have liberty to *depart* from either country, when ever they please, and to go *wherever they may judge proper* by land or by sea, or the rivers and fresh waters; to
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that all these penalties and restrictions be repealed, and that every secret hitherto most inviolable, may in future be betrayed with security: will not France then have it in her power to bring her manufacture to as great a state of perfection as our own? and from the || cheapness of her labour and the felicity of her situation, will she not be enabled to undersell us in every market in Europe?

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gether with their wives children and *servants*, as also their merchandize, *things belonging to their trade*, property and effects bought or imported after payment of the accustomed duties; any law, privilege, grant, immunity, or custom to the contrary in any wise notwithstanding.

N. B. These are literally the words of the 5th. article. Whether the pretended translation published by authority owes its fallacy to ignorance, or treachery, the Author of that performance alone can explain.

|| The average rate of labour in *France* is 10 sous or 5d. English, per day while that of England according to Dr, Smith, and the latest and most accurate calculations, is about 14d.—that is to say nearly *treble the price* of what it is in France.

It is true that if the present trader obtains a fortune, he will himself in the first instance be a gainer, and his posterity not a loser; as it is of little consequence to him whether his manufacture be in future conducted in England or in France—What then is the inference? Why, that the Landowner alone is to be the ultimate sufferer; and therefore it is from him alone that we must expect a substantial and real opposition—

But let us once more have recourse to the sentiments of Dr. Smith;—speaking of the Mercantile interest he says—

“ The proposal of any new law or *regulations of Commerce* which comes from this order, ought always to be listened to with great precaution, and ought never to be adopted till after having been long and carefully examined, not only with the most

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scrupulous, but with the most suspicious attention. It comes from an order of men, whose interest is never exactly the same with that of the public---who have generally an *interest* to deceive, and even oppress the public; who and accordingly *bave* upon many occasions both deceived and oppressed it."

Wealth of nations vol. 1. folio 397—

But we have a too recent instance in THE COMMUTATION TAX of the illiberal conduct, which has been practised towards the Land-owners--Here we find that, merely to gratify a branch of the Mercantile Interest, namely the *East India Company*, a duty has been taken off their principal article of trade, *Tea*; and an equivalent sum most partially, and unjustly imposed on the occupiers of houses---A sum, to the enormous amount of SIX HUNDRED THOUSAND POUNDS—It is a joke to say, that this is a tax on the tenant; we have before shewn that the Landlord must ultimately defray it---

But

established her reign, and the fortunate inhabitants still retained their primitive simplicity---nature alone was their tutorefs and they obeyed her dictates.

In our own country too, *wheat* at this moment is actually lower in price than it was *five hundred* year ago, when Commerce was almost unknown---the average rate of the whole *thirteenth* century was £2. 10s. 3d. per quarter ; and if we compute it according to the comparative value of money at the present time, the cost will be found to have fallen at least in the proportion of five to one ; from whence then has this alteration arisen ? not on account of the consumption of wheat having diminished, but because agriculture has encreased in every part of Europe ; and consequently in proportion as the produce is greater and the consumption the same, the value must necessarily become less.

If therefore this increase, for it cannot be properly stiled improvement of agriculture

culture, has been the effect of opulence; it can only be said that she has certainly proved the most fatal enemy which the Land-owner has ever had to encounter.

One article alone the produce of tillage, has indeed been most materially assisted by the introduction of luxury---it will be almost superfluous to mention that this is BARLEY---the great quantities of this grain required for the BRITISH DISTILLERY have offered some small compensation to the Land-owner for his other losses---here, a most flourishing manufacture has been established, we might almost say, the only one composed of the pure productions of our native soil---profitable to the Land-owner---profitable to the state---at once affording to Great Britain an exhaustless source of revenue, and giving a most fatal stab to to the staple commodity of her natural enemy.

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But however flourishing or however profitable may have been this manufacture, we must allow that this state of prosperity has rather been owing to the great encouragement that it has received from the legislature ; than to any intrinsic merit in the commodity---while on the other hand that *that* of France derives its success entirely from the native goodness of its material---and so conscious have we ever been of this superiority, that restrictions the most severe have been adopted, and every scheme of discouragement contrived against the importation of FRENCH BRANDY.

Among the principal and most efficacious of these obstructions, may be deemed the very severe pecuniary penalties imposed on smuggling, and the various circumstances of difficulty and danger attending its practice. The stores of human invention had been in vain ransacked for remedies against this fatal but increasing evil. The corn distillery long languishing under the combined
oppression

oppression of heavy taxes and a decreasing sale, was making hasty strides to its ultimate dissolution; from having at one period afforded a market for FIVE HUNDRED THOUSAND QUARTERS OF CORN, it had fallen in the year 1782, to less than ONE HUNDRED AND FIFTY THOUSAND—a reduction big with the most fatal consequences both to the Revenue and to the Landed Interest—happily however the Committee of the House of Commons appointed to enquire into this misfortune, and of which Mr. *Eden* himself was chairman, wisely recommending an extention of the *Hovering Acts*; the measure was adopted—smuggling decreased; and the British distillery once more reared its drooping head—little suspecting that within a short period Mr. *Eden* himself would be the person selected for consigning it to eternal ruin.

That the present Treaty totally abolishes the *Hovering Act*, at least as far as relates to French ships, we need only appeal to the
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testimony of every man who has perused that most extraordinary composition. By what logic Mr. Eden will be able to prove, circumstances being precisely the same, that *that* which alone could work our salvation in the year 1784, is to produce a contrary effect in the year 1787, can at present only be known to himself; but till he can reconcile these apparent contradictions, he must forgive us if we esteem his conduct rather extraordinary.

One argument must necessarily on all hands be admitted—that if by this Treaty all restrictions on smuggling be removed, and instead of the admission of French brandy being by every possible ingenuity impeded, that every encouragement is held out for its importation; as the *British distillery* had difficulty to sustain itself under circumstances of partiality and favour, a system of an opposite nature must be attended with its instant annihilation.

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It would be an anticipation of our argument if we were here to expatiate on the nature of our *Corn distillery*. The illicit introduction of *French brandy* is so intimately connected with the manufactory of *British spirits*, that their separate consideration becomes in some measure impracticable. We shall therefore defer adding any thing further on that article of our Commerce, till we come fully to discuss the operation of the Treaty on smuggling; or more properly of that branch which applies to the importation of foreign spirits.---For as this address is entirely directed to the Land-owners, and brandy being the only article of contraband Commerce, that can be said directly to affect *their* interest, any further investigation of the Treaty on the subject of the illicit intercourse between the two countries at present would be totally irrelevant.

One mistake however we cannot here avoid noticing---an error that has not only been encouraged by the breath of popular
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opinion, but has even in some measure obtained the sanction of the legislature itself---namely, that *smuggling* is generally injurious to Commerce---This is by no means the fact. By whatever channel the goods be introduced; whether by the public conveyance of the Custom-house, or the more secret vehicle of the smuggler, the quantity consumed is precisely the same, and consequently under both circumstances a similar profit accrues to the tradesman. It is true the operation will be as various as the trades to which it applies, but we will only instance the manufacture of spirits: In proportion as the consumption of *French Brandy* becomes greater, the demand for *British spirits* must diminish; but though this may prove destructive to that branch of trade which is formed of *Distillers*; another branch that is composed of *dealers in Brandy*, will rise on its ruin—and therefore the interest of *Commerce in general*, will in no manner be affected, as what is lost on the *one* part, becomes gain on the *other*. As to the destruc-

struction of the market for *Barley*, that is a consideration that does not affect Commerce, but applies obviously and entirely to the Landed Interest.

But another necessary effect of the Treaty is also highly worthy of our attention, one that demands the most serious deliberation of every country gentleman, viz : the vast defalcation that by its adoption must evidently arise in the national Revenue, and the additional load of taxes which will be consequently imposed. That this defalcation *must* take place, is but too apparent to every man who has perused the Treaty, and indeed is the only part that may with justice be said to be rendered easy to the meanest capacity.

But though the fact be obvious, from the numerous objects which it embraces, it will be necessary to enter into a variety of calculations in order to ascertain its amount with any degree of precision---these it shall

be our endeavour to attempt, how far we succeed our readers must decide.

This deficiency indeed will be of little import to the commercial gentlemen, as according to the old practice they will take especial care not to contribute one shilling towards its replacement---but it becomes an object of the first magnitude to the Landowner---His burthens are not only to remain, unreduced, but he is also to be condemned, to this foreign weight, and like his own oxen patiently and unceasingly to labour in that field, whose produce he is condemned never to taste.

Thus our view of the treaty as affecting the landed interest divides itself into two heads—first the injury that must accrue to the CORN DISTILLERY, and secondly the defalcation to the PUBLIC REVENUE.

The injury to the corn distillery may be sub-divided also into two parts, viz, 1st, the

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ENCOURAGEMENT that is offered to the illicit importation of foreign spirits; and 2dly the POSITIVE REDUCTION that is immediately to take place in the PRESENT DUTIES---As our remarks on the last objection will be confined to a few words, our discussion shall commence with that article.

REDUCTION OF DUTY ON BRANDY.

WE shall here only observe that if the British Distillery, as appears by the report of the smuggling committee, found difficulty to support itself against the French brandies when the duties on this latter article amounted to 9s. 6d, $\frac{1}{10}$ per gallon, it can hardly be supposed to derive much aid to the competition by those duties being reduced by Mr. Eden's treaty to 7s. but as we shall have occasion to mention this article hereafter we will for the present forbear to make any further comment on this extraordinary transaction.

SMUG-

SMUGGLING.

The Contraband Trade carried on from the Continent of Europe to this Island, and the various artifices employed for the conducting of this illicit intercourse, have been so generally mentioned, and yet so little understood, that it would not perhaps be totally unentertaining if we were to preface our investigation of this part of the Treaty, with a history of this extraordinary Commerce ; and of the wonderful arts which have enabled the Smuggler not only to withstand, but even to gain ground against the combined strength of the legislature.

Such an enquiry, there can be little doubt, would not only be found curious, but would also be attended with considerable public utility ; we can only lament,
that

that the confined limits of our plan will not admit of its present prosecution, any further, than in what may be collected from the various papers to which the author will be compelled occasionally to allude.

It will scarcely be necessary to premise, that among the multifarious motives assigned in the Acts for the suppression of smuggling, the injury which this clandestine intercourse offers to THE BRITISH DISTILLERY, ever stands most conspicuous—for the Legislature was well aware, that our *Malt Spirits* could not for a moment, upon terms of equality, support a contest with the *Brandies* of France—The Legislature, therefore, not only wisely imposed a most extravagant duty on the public importation of the latter Spirit, but to render this discouragement more effectual, enacted a variety of
severe

severe penalties against its private introduction.

But before we proceed to state the immediate nature of these restrictions, it will be necessary first to give some short account of the BRITISH DISTILLERY, and of its situation at different periods,—this statement will be the more correct as it is uniformly founded upon legal documents and parliamentary records.—When we say *the* BRITISH DISTILLERY, we mean that of *Corn*; because, though Spirits are occasionally extracted from *Molasses*, *Cyder*, &c. &c. yet the average amount of this latter distillation is so comparatively small, excepting when the Crops of Barley have totally failed *, as to be scarce worthy of notice.

At what period the *British Distillery* commenced, it is rather difficult to ascertain; all we know, is, that it was not thought

* As in 1758, 1759, and 1782.

an object worthy of taxation, a pretty convincing proof of its previous insignificance, till the 12 CHARLES II.—It seems probable, however, that even *then* it had not attained to any great degree of prosperity, nor was deemed much worthy of national attention; as the first public encouragement we find offered to it, is in 1688, 1 WILLIAM AND MARY—An Act was then passed, which after stating, that good and wholesome Spirits might be drawn from *Malted Corn*, directs, that *French Brandy, Aqua Vitæ, &c.* should from thenceforth *be prohibited from being imported into Great Britain*.—And in order to prevent that spirit of evasion, which even at that early period began to pervade our Commercial system; in the next Sessions of Parliament, a duty of *eight shillings* per gallon, was imposed on all Brandies coming from Guernsey, Jersey, &c; and in addition, the Importer was bound to make oath that they were the produce of those Islands, otherwise they were liable to be confiscated.—Such was the

consideration in which this infant Manufacture was held, and the advantages which it was imagined would accrue to Great Britain from its success.

However, a peace soon afterwards taking place with France, and the communication between the two countries being again opened; it was judged more advisable, by creating something like a competition, to give a fresh *stimulus* to that spirit of emulation, which forms the very soul of Trade, and without which it would sink into a state of torpid inaction. Accordingly the prohibition was removed, and the Commerce again laid open; but though the French Brandies were thus admitted, the importation was to be at such high duties and under such restrictions as afforded an effectual and complete protection to our own Manufacture.

The consequences were precisely what had been foreseen: The exertions of the
British

British Distillery not only retained the advantages which it previously possessed, but the demand for Malt Spirits was most rapidly increased.

It would not only be unnecessary to this enquiry, but would also demand more space than the narrow limits of a Pamphlet can bestow, to recite each particular Act that has passed, either for better regulating, or, for the further imposition of duties on the Manufactory of Malt Spirits.—Suffice it to say, that till the year 1760, the latter only amounted to *four pence* per gallon, on the *first* distillation of *low wines*; and to *one shilling* per gallon, on the *second* distillation of *spirits*; and, that they had so little effect on the prosperity of the Distillery, that in the year 1750, the consumption of Corn amounted to FIVE HUNDRED THOUSAND QUARTERS.

Thus we see of what advantage the encouragement of this Manufacture has been

to the Land-owner, and the aid which he has experienced from having had so large a Market procured for his Barley.—And our fathers were so conscious of its importance, and so jealous of the remotest innovation; that in the year 1745, we find that a variety of petitions and complaints, were presented to the House of Commons, particularly from the counties of Surry, Middlesex, Berks, Northampton, Kent, Essex, &c. merely because the Distillers about that period began to use a large proportion of un-malted Corn in the fabrication of their spirits, which rendered the general consumption of Corn somewhat smaller, than if the spirits had been distilled as theretofore from Malt alone. The reduction of the quantity used was comparatively but little, and yet in such estimation did the Land-owners hold this Manufactory, and such was its conceived influence on their properties; that though its avowed patrons, for once they trembled at its success and resisted its improvement.

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One very important fact, however, is established by this interference of the Land-owners in 1745; namely, that at that time no danger could be apprehended from a competition of the French Brandies---had such been the case, the country gentlemen were too wise and too much alive to their own interests, to have set themselves in opposition to a discovery which tended so materially to reduce the price of British Spirits.

But another evidence puts this question beyond the possibility of a doubt.—On the 6th Feb. 1745, a Committee of the House of Commons was appointed, “*to enquire into the causes of the MOST INFAMOUS PRACTICE OF SMUGGLING,*” and of which Mr. Sydenham was chairman *.—

The

* The Members were,

Mr. Sydenham,
Mr. Carew,
Adm. Vernon,
Mr. Whichcote,

Chan. of the Exchequer,
Mr. Fox,
Mr. Gybbon,
Mr. Vane,

Mr.

The Committee made their *first* Report on the 4th March following, which contains little besides the evidence of the different witnesses, who proved that *Tea* then formed the *Staple Article* of Contraband Commerce,

Mr. Cornwall,
Sir William Calvert,
Alderman Heathcote,
Lord Gage,
Mr. Talbot,
Mr. Lowndes,
M. Hilton,
Lord Baltimore,
Mr. Crawley,
Mr. Cook,
Sir Miles Stapylton,
Mr. Selwyn,
Mr. Hunter,
Sir Roger Twisden,
Mr. Montague,
Mr. Hay,
Sir John Cust,
Mr. Duncombe,
Lord Advocate,
Attorney General,
Solicitor General,
Mr. Southwell,

Mr. Brereton,
Mr. Hoblyn,
Mr. Hales,
Sir Francis Poole,
Mr. West,
Sir Thomas Bootle,
Mr. Legge,
Mr. Grenville,
Sir Richard Lloyd,
Sir James Grant,
Mr. Thomas Gore,
Mr. Yorke,
Major Selwyn,
Sir Francis Dashwood,
Sir John Philipps,
Lord Perceval,
Mr. John Pitt,
Mr. Hungerford,
Mr. Powney,
Mr. Rowney,
Mr. Wilkinson,
Sir Charles Kem. Tynte,

And all the Members for the Coast Countries.

Brandy

Brandy being declared to be too bulky for carriage, and being *only used as ballast*.

Thus we see the conduct of the Land-owners accounted for upon principles of the soundest policy. The British Distillery being then in its full vigour and in a state of perfect security, no improvement was essential to its support; and consequently the lessening of the quantity of Corn consumed, was only an unnecessary enrichment of the Distiller at the expence of the country gentleman.

A *second* Report was afterwards made by the Smuggling Committee, but owing to the Parliament being dissolved, it was never taken into consideration nor entered on the Journals.

If we pursue our enquiry from this time to the year 1760, we shall have traced the British Distillery to the pinnacle of its glory—from thenceforward we must look
for

for nothing but a black and dreary prospect—the memory of one misfortune only erased by the hasty succession of another—the frantic arm of avarice blindly stretching at imagined treasures, and by the awkward effort foolishly destroying those which actually existed.

In the year 1760, the duties on *low wines*, as was before stated, amounted only to *fourpence* per gallon; but by the 23d GEO. II. it was rendered more than double, being by that Act raised to *ninepence*; and not content with this extravagant increase, the duty on the *Spirits* was also raised from *one shilling* to *two shillings and three pence*.—But it is not a little remarkable, that the very Parliament, which had in this extraordinary manner, added to the Taxes on our home Manufacture, evinced such a partiality for the *Staple Commodity* of France, that the duties on Brandy were only to receive an addition of *one shilling* per gallon—thus by the oversight of a moment with-
drawing

drawing that favour and protection, which had thitherto invariably been shewn to the Manufactory of British Spirits, and transferring all the advantages of the competition to our insidious rivals.

Experience soon pointed out the error that had been committed—the Distillery began to decline, and the sale of Brandies to increase—but though the evil was apparent, the cause could not be removed, as it was not the fashion of those days to repeal *efficient* Taxes, merely for the pleasure of substituting *experimental* ones. The only remedy which seemed probable to succeed, was by adding to the duties on the Brandies, to restore to the Corn Distillery its pristine advantages.---This mode accordingly was adopted, but it gave rise to a more fatal misfortune : for the moment that the duties were raised so as to hold out a sufficient compensation to the Smuggler, for the risk that he was obliged to undergo ; from that moment the Smuggling of Brandies,

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dies, which before had been but trivial, became one of the principal branches of his Trade; and he was not only enabled to undersell the *Brandy Merchant*, but, by thus having his attention turned to the introduction of Spirits, he also soon became a successful rival to the *Distiller*.

From that period the Malt Distillery proceeded to fail; and so rapid was its declension, that, whereas in 1750, its duty produced a sum of 500,000*l.*; in 1778, though that duty had been increased three-fold, instead of realizing as it ought 1,500,000*l.* the amount was only 540,000*l.*

Yet even this state of humiliation was considered as prosperity when compared with its situation in 1783.----At that period the Distillery had decreased to less than one-half of what it was even in 1778---for though large additional imposts took place on British Spirits in 1779, 1780, 1781, and 1782; yet the whole produce of duty in
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the year 1783, only amounted to 335,000l. which was 205,000l. less than it was in the year 1778.

Gallons.

In 1750, the quantity of Malt

Spirits distilled, was	-	10,500,021
In 1778, it was	- -	2,777,100
In 1783, it was	- -	1,361,616

If therefore we subtract from the year 1750, when it was

The amount of the year 1783,	-	10,500,021
when it was only	-	1,361,616

We shall find that the annual consumption of the British Distillery has in the course of 33 years decreased

- 9,138,405

This prodigious decrease has not arisen from any failure in the general consumption of Spirits, but from other Spirituous liquors having been substituted in lieu of those distilled from Malt.---Of these, tho'

Rum and Holland's Gin have had a considerable share, Brandy, it will appear, has taken the lead; as the following account of the importation in 1782 plainly evinces, and which, if we take as the quantity consumed in 1783, must be placed to the credit of Spirits drunk in that year.

Quantity smuggled according to the average of Mr. Eden's Committee,				-	-	4,333,333
Quantity paid duty,				-	-	662,971
Total Brandy, 1782,				-	-	4,996,304

By this plain statement of fact, we see 4,996,304 of this decrease accounted for—we know by the Custom-House books, that between the years 1740 and 1750, the legal importation of Brandy was trifling in the extreme; and we find by the Report of the Smuggling Committee of 1745, that its illicit introduction was then too contemptible

temptible for notice, “ *as it was used only for ballast.*”—But that the Author may not be accused of want of candour, he will grant, that the general importation of Brandy in 1750, was 996,304 gallons; which if deducted from the 4,996,304, it will even then appear, that the increased consumption of Brandy in 1782, was FOUR MILLIONS OF GALLONS !----An amount equally alarming to the Land-owners and the British Distillery.

We naturally now come to the year 1783, when the scheme of 1745 was revived; and on 25th November, a Committee of the House of Commons appointed, “ *to enquire into the illicit practices used in defrauding the Revenue,*” but which is more usually stiled, THE SMUGGLING COMMITTEE—the Members were as follow :

Right Hon. William Eden, Chairman.

William Hufsey,	Lord Sheffield,
Nath. Newnham,	Richard Jackson,
	Henry

Henry Beaufoy,	William Baker,
George Daubeny,	Charles Brett,
W. H. Hartley,	Sir Thomas Dundass,
Hans Sloane,	Abraham Rawlinson,
George Dempster,	Hen. Thornton, Esq.

It would be impossible to reduce the mass of information upon which their opinions were formed into any thing like detail—Their enquiries went to the same object as those of the Committee of 1745, but of course from the present system of Revenue, comprehending such a variety of new branches, these enquiries were materially extended—We can only select those particulars, which apply either immediately or indirectly to *the British Distillery*; among the former of which we may rank as most important the *Petition of the Distillers*, annexed to the *Second Report* of the Committee; and among the latter, those parts of the Reports which relate to the clandestine introduction of *Brandy*.

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The Petition from the Distillers states their alarm at the surprising decrease of, and impendiug ruin to their trade, a trade which they deem of so much importance to the *Landed Interest* and the *Revenue* of their country : That they have endeavoured to investigate the causes of its rapid declension ; and the deeper their researches, the more they are induced to impute it to the fraudulent practices of the Smuggler and illicit Trader.

They then give a variety of important calculations to most of which we have before had occasion to allude.

They say, that so far from the consumption of Spirits being less, that the demand has considerably increased.

After dwelling on these particulars for some time, they conclude with the following emphatic paragraphs.

That

“ That although your petitioners conceive themselves entitled to the protection and encouragement of the Legislature, it is not *their* interests alone that are at stake. *The Corn Distillery* is evidently of great national importance :—And the *defalcation of the Revenue* calls not more forcibly for the interposition of the Minister ; than the *revival of a failing Market for OUR STAPLE, THE CORN TRADE*, and averting the *injury to the Landed Property*, call for the attention of THE COUNTRY GENTLEMAN.”

“ The protection of the fair Trader---the increase of his Manufacture---the ends of Government with respect to Revenue ; and---*the maintaining and increasing the value of LANDED-PROPERTY*, being, as your petitioner's conceive, *inseparable from THEIR INTERESTS.*”

From considering the Petition of the Distillers we are naturally led to the Report, dated 13th January 1784, of the
Com-

Commissioners of the Excise to whom it was referred----Wherein, after declaring, that the *Landed Interest*, the *Commerce*, and the *Revenue*, derived great benefit from the Corn Distillery, was a fact that could not be doubted ; and that it ought to be encouraged and supported----they generally concur with the Distillers respecting the rapid decline of the Corn Distillery, which they impute principally to the immense quantity of foreign Spirits introduced by the Smugglers.

With respect to this clandestine Commerce, *the Committee* in their *first Report*, 24th December, 1783, declare, that the fraudulent importation of many articles of Commerce had increased to a very alarming degree, and was carried on with the most open and daring violence.

That the Vessels employed were from 30 to 300 tons.

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That

That the Cargoes principally consisted of Spirits, Tea, &c.

That the largest of these Vessels were capable of making seven or eight Voyages in a year, and of conveying each time the enormous quantity of *three thousand* Half Ankers of Spirits *.

After describing the manner in which this trade is conducted, they assert, that it had increased within the last *four years* to an alarming degree ; and that Brandy was generally sold on the Coast at *three shillings* per gallon.

N. B. *This space of four years antecedent to 1783, is precisely the period during which the British Distillery fell from 2,777,100 gallons to 1,361,616.*

* *Forty eight thousand Gallons.*

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The *Second Report*, 1st March, is confined principally to the mode of Smuggling adopted in Scotland.

The *Third Report* goes entirely to remedies ; particularly advising that the distance should be extended from two to four leagues—and proposing that all Vessels should be made liable to seizure which were generally called Cutters, Sloops, Luggers, Shallops, or Schooners, or Vessels of any other description whose bottoms were clincher-work built, and not employed in his Majesty's service, or under the *Admiralty of any foreign State*, found HOVERING WITHIN FOUR LEAGUES OF THE COAST, even though they should exceed 200 tons, or which should have on board any carriage or swivel Guns, or other Arms or Ammunition whatever ; except where they were stowed in the Hold as Merchandizes, or under particular licences, &c. &c.--in short, describing all the leading features of the *Hovering Act* which was afterwards passed.

Having thus given a sketch, for such it only can be deemed, of the opinions of the Smuggling Committee, we regularly proceed to *the Hovering Act* itself, but before this subject is entered upon, as it may perhaps be contended, that the Report of a Committee does not of necessity convey the private sentiments of each individual Member, but on the contrary, that it may sometimes pass in direct opposition to his wishes, it may be just proper to observe, that the *Hovering Act* of 1784, was brought into the House by *Mr. Pitt*, and was supported throughout by *Mr. Eden*, though the latter gentleman was *then* most vehemently strenuous in his opposition to every other measure of the Minister.

It is a fact universally known, that the last *Hovering Act* was passed in consequence of the Report of the *Smuggling Committee*, affirming, that *that* was the only measure in their opinions likely to prove at all effectual

towards

towards the suppression of the Contraband Trade.

THE HOVERING ACT being thus deemed of such importance to the Commerce and Revenue of this Country, and its consequences having been such as will be hereinafter described, it is hoped that we shall stand exculpated for trespassing on our readers' patience—with a short account of the most material regulations which it contains.

It commences, with reciting, that the Laws theretofore made and then in force, to prevent the clandestine importation of prohibited goods, and goods liable to the payment of duties, had not been sufficient to answer the purposes intended, that *pernicious practice having of late been greatly increased*, and carried on, by *large armed Vessels, &c.* to the great loss of the Revenue, &c. and that it was *highly necessary*, that some further provision should be made, more effectually

tuallly to prevent those destructive and growing evils.—It then enacts, that after 1st of October 1784, *any* Ship or Vessel that should be found AT ANCHOR or HOVERING within the limits of any of the Ports of this Kingdom, or within FOUR LEAGUES OF THE COAST THEREOF, or should be discovered to *have been* within the said limits, (and not proceeding on her Voyage, wind and weather permitting, unless in case of *unavoidable necessity* and *distress of weather*, of which too the *Master* must give notice, and *make proof* before the superior Officer of the Customs of such Port, *immediately after* the arrival of his Ship within such limits,) having on board *Brandy*, or other Spirituous Liquors in Casks of less size than sixty gallons, the Cargo and Ship shall be forfeited.

The *fourth* Clause enacts, that all Vessels belonging to British Subjects, called Cutters, Luggers, Shallops or Wherries (*of what built soever*,) and all Vessels belonging
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as aforesaid, of any other description, whose bottoms are Clench Work, unless they shall be square rigged, or fitted as Sloops with standing Boltsprits; and all Vessels belonging as aforesaid, whose length shall be greater than in the proportion of $3\frac{1}{2}$ feet to one foot in breadth; and all Vessels belonging as aforesaid *armed for resistance*, except as therein after mentioned *; which after the 1st of October 1784, should *be found* within the above limits, should be forfeited, together with their Cargoes, Guns, &c.

The *twenty-third* Clause declares, that *any* Vessel liable to seizure or *examination*, that shall not bring to on being required, or being chased by any Cutter or Vessel, in the service of His Majesty's Navy, may be fired at, and if any person killed, &c. the persons firing not to be molested.

* Vessels from America, East or West-Indies, Africa, or the Mediterranean, or with Licences from the Admiralty.

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The *twenty-fifth* Clause extends the 8th Geo. I. and 19th Geo. III. respecting the forfeiture of all Boats, &c. of particular dimensions.

The *twenty-sixth* Clause directs, that all Master's of Vessels shall make a just and true Report of such Vessel, under penalty of 100l.

The foregoing Clauses compose the principal regulations of the *Hovering Act*, or at least of those which are likely to be affected by *Mr. Eden's* Treaty—and an accurate observer will easily discover with what judgment this Act was framed—To have declared, that *all* Vessels described in the 4th Clause, should have been liable to forfeiture, would in fact have been to regulate the Ship-building of foreign States; and consequently not only inequitable in itself, but also a most daring infraction of the Law of Nations—the Legislature therefore, wisely confines the confiscation to those

those the immediate property of the Subjects of Great-Britain:—but to prescribe, as in the first Clause, that Foreigners should conduct their voluntary Actions, when under the protection of a State, in a manner similar to that of the Natives, is to do no more than what may be justified by every principle of sound policy and natural justice—and therefore the subjecting of *all* Vessels to the penalties of *Hovering*, was not only prudent, but in every instance justifiable.

Mr. Eden's sentiments on this head, in the debate on the *Hovering Bill*, are so very forcible and convincing, that it is impossible to forget them.

“ I never will consent,” said he, “ to making any distinction between *British* and *Foreign* Smugglers, which among ten thousand ill consequences, will be attended with the almost total annihilation of the *British Ship-Builders*.”

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But

But it will be asked, if the regulation respecting the distance, would not be effectual with regard to British Smugglers, how could it be sufficient with Foreign ones? Or if it was effectual, why shackle our own Commerce with such additional restrictions?—The reason is obvious—with *Coasting Vessels* of our own, constantly sailing in and out of different Ports, their *Hovering* is very difficult to ascertain; and therefore they are forbidden to be of that construction which is most particularly calculated for rapid sailing and illicit trade—but with *Foreign Vessels*, they are regularly bound to one Port, which it is their interest to reach with all possible dispatch; and therefore, as their laying to, or *Hovering*, must ever be from some sinister motive, if they are once discovered and seized in the Act, they can alledge no excuse to avoid being condemned.—

Having thus examined the nature of the *Hovering Act*, we must next see whether
its

its proposed ends were answered ; for without this appears to be the case, any objections which may be raised to the *French Treaty*, for destroying this Law, will of course become futile and invalid.

Gallons.

It has before been shewn, that
in 1783, the quantity of British
Spirits distilled, was - 1,361,616

It appears by the Appendix to
the 1st Report of the Smuggling
Committee, that the quantity of
Brandy that paid duty in 1782,
was - - - 662,971

That the average quantity of
Brandy smuggled, was - 4,333,333

That the average price of this Smuggled
Brandy, was only *three shillings* per gal-
lon.

Now mark the difference.

Gallons.

In 1785, the quantity
of British Spirits paid
for as distilled, was 3,418,572

But as an alteration
was made in 1784, that
twenty gallons of Spirits
should be paid for as
distilled from every 100
gallons of Wash, instead
of 15 only as theretofore,
we must subtract this
addition, viz : - 854,643

Therefore we must only com-
pute the quantity according to the
old mode, which reduces it to 2,563,929

And from this latter quantity, if
we deduct the quantity produced
in 1783, - - - 1,361,616

THE INCREASE SINCE THE PASS-
ING OF THE HOVERING ACT will
be - - - 1,202,313
In

Gallons.

In 1785, the quantity of Brandy
which paid duty, was - 829,921*

From this, if we deduct the
quantity that paid duty in 1782, 662,971

THE INCREASE SINCE THE
HOVERING ACT will be - 166,650

Of the precise quantity smuggled subsequent to the passing of the late *Hovering Act* we are ignorant, but the preceding statements prove that it must most materially have decreased.—Yet, though this evidence appears pretty conclusive, we have even a much stronger testimony: for the price of Smuggled Brandy, which in 1783 was only *three shillings* per gallon, in 1785,

* This quantity will be found most materially to differ from the account laid before the House of Commons: The reason is, that *that* contains only the amount of *Brandy imported from France*, whereas it ought to have been of *French Brandy imported*; as the principal part of the French Brandies exported to England, are shipped at *Dunkirk*, which in Entries at the Custom-House is deemed a *Port of Flanders*.

and

and at the present moment is * *five shillings and sixpence*, though the prime cost in France has never varied from its old rate of *eighteen or twenty-pence* English, per gallon †.

The good effects of the Hovering Act being thus apparent, both as to its operation on the *British Distillery*, and its increase of the *Revenue*; nothing now remains, but to point out in what manner this salutary regulation has been infringed by the late Treaty.

* This fact is warranted on the authority of a Gentleman of the first respectability in the county of *Suffex*, whose general information and veracity are unquestionable—and whose name if the Author were at liberty to mention, would put the matter beyond any possibility of a doubt.

† The Smugglers on the Coast of *Suffex*, insure Brandy to London at *eighteen pence* per gallon, which is little more than the common price of carriage; thus we see that the only danger they apprehend to their trade is from the obstructions they meet with at Sea.

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THE HOVERING ACT declares, that *all* Ships *Hovering* within *four* leagues of the British Coast, or which shall have been discovered to have been within that distance, having on board *Brandy*, &c. in Casks, under sixty gallons, shall be confiscated—but THE TREATY says, that the subjects of France may come with their Ships and the Merchandizes and Goods on board the same, the *trade and importation* whereof is not *prohibited*, and enter into our Ports, Rivers, &c. and may remain there without any limitation of time; and the Treaty also says, that French Ships *laden, making land in any manner whatever*, shall not be obliged to unlade their Goods or pay any Duty.

This is in fact to do away the whole effect of the Hovering Act---the permitting of French Ships to *make land* in what manner they please, is the same as to say, that they may *hover* in what manner they please---and offers a general invitation to
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the French Cutters, Luggers, and all those other Vessels, which if English would be immediately confiscated, to come and exercise their Trade on the English Coast without a fear of molestation,---as they are permitted to bring *any* Goods the trade and importation whereof is *not prohibited*; and consequently as Brandy is not prohibited, whether it be brought in Casks of *Sixty* or of *Six Gallons*, they are equally exempt from seizure.

It has before been shewn, that the facility with which the *Hovering* of foreign Ships could always be established, was the only security which we possessed to counteract their exemption from the Clause respecting the construction of their Vessels---but this distinction is now totally done away---as provided the Ship belong to a Frenchman, the Captain is to be at liberty to *hover* as much as he please.

Though

Though it is not immediately the subject of this enquiry, yet it is impossible to avoid remarking, that the shackling of our own Navigation, and the giving of an universal freedom to that of France, is not likely to contribute very materially to the encouragement of our *carrying Trade*.

THE HOVERING ACT also excepts from confiscation, those Vessels which shall be found within the distance of four leagues, and not proceeding on their Voyage, only in cases of unavoidable necessity and distress of weather, of which the Master of each Vessel is to *make proof* immediately on his arrival---but the Treaty allows them, *without any such proof*, or any examination whatever; not only to enter into our Roads, Harbours, &c. but even to sell part of their Cargoes---it is true that this permission is only to extend to the purchasing of necessities, either for victualing or refitting their Vessels; but we all know, that a *Frenchman's necessities* generally require a pretty liberal

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beral construction—at all events it admits the principle of *breaking bulk*, and destroys every restraint on the Captain's declaration or manifesto.

After the above plain statement, upon what grounds the Minister can venture to assert, that the Treaty does not destroy the regulations of the Hovering Acts, seems perfectly incomprehensible ---- We find by the 5th Article of the Treaty, that the Subjects of France shall have liberty to come with their Ships, &c. and with the Merchandizes and effects with which those Ships may be laden, the trade and importation whereof are not prohibited, and to enter into our Harbours, Rivers, &c. and to remain there without any limitation of time ---now in the name of God, if there were only this Article, would not these words do away the whole effect, not only of the late Hovering Act, but even of every previous regulation respecting the importation of Brandy---for does not this Article generally admit

admit the importation of all French Goods that are not prohibited, unrestrained by any regulations, but those which are expressly imposed by the Treaty? And as the admission of Brandy is at present allowed, and the Treaty does not mention one syllable of its being imported only in Casks of sixty gallons, the article in question, either does away this restriction, or it must be taken as being formed of words that are totally devoid of common sense or meaning.

That a subsequent *general grant* does destroy a previous *partial regulation*, must be admitted by every man who pretends to the least knowledge of jurisprudence; and that it was particularly considered so to do in the present Treaty, we have it declared to us under the hands of the very Negotiators—The 18th Article of the Treaty declares, that Masters of Ships should be permitted to employ whom they pleased in loading or unloading their Vessels—these are mere

general words which convey a *general grant*, yet they were supposed so totally to annul a *partial regulation*; namely, the right of Scavage and Salvage in the City of London; that it was necessary to have an express stipulation in the *Convention* to prevent this *chartered, private property* from being rendered totally void.

But the 19th Article goes much further still and expressly permits HOVERING; and even if we were to admit that, the former argument was futile, and that the importation of Brandy is still to be confined to casks of sixty gallons; *Mr. Pitt* forgets that there are Laws which existed previous to the Hovering Act of 1784 *, and which that Act by no means repeals, which declare, that Vessels under a certain size, if they are found Hovering, and having on board Brandy, in Casks of *any bulk*, even

* Particularly 3 Geo. III. which limits the importation of Brandy to Ships of 50 tons and upwards.

of sixty gallons or upwards, are all liable to be confiscated---What then can be more clear? And the man must be incurably blind indeed, who can remain unconscious of so glaring a light.

The distinction which will no doubt here be taken, that the Acts passed previous to 1784, ought not to be mentioned, because it appears that they were totally inefficient, though specious, is false. The regulations which they contained, if they could have been carried into practice, were in the highest degree salutary; but owing to the small distance assigned for this operation, it was impossible to execute them; but the moment that distance was extended, and they had power to act, their influence was universally felt.

But let us examine a little the opinion of *Monsieur de Vergennes*; and it must surely be on all hands acknowledged, that the sentiments of the *Minister of France* are
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at least as decisive on such an occasion as those of the *Minister of Great-Britain*--- What is the construction respecting the Treaty adopted by *Monfieur de Vergennes*? Why, in the Convention, signed 15th Jan. 1787, he thinks it necessary to declare, that the 25th Article of the Treaty, relates only to Ships in time of War, suspected of carrying Warlike Stores, and is not to hinder the examinations of the Officers of the Customs, for the purpose of preventing illicit Trade; which is in other words, to say, that *that* is the only Article, in which the entering of our Harbours is mentioned, that relates to Warlike Stores; and is as direct a confession as can ever be expected from a French Minister; that he *does* consider the others as applying *solely* to the Hovering Acts.—If it was not intended to repeal some existing Law, why make use of the words contained in the Vth and XIXth Articles? If no particular privilege or exemption was meant to be granted, why was it necessary to specify any thing farther

farther than what is stated in the VIIth Article, namely, that the Ships of France should enjoy all the privileges and advantages granted to the most favoured Nations? The supposing the contrary, is offering an unmerited insult to the understanding of *Mr. Eden*; and would be to imagine, that the English Negotiator had introduced a variety of Articles, which according to *Mr. Pitt's* interpretation of their meaning, could answer no earthly purpose but that of affording an everlasting subject for cavill and altercation.

We should recollect too, that this opinion of *Monsieur de Vergennes* is not hastily or inconsiderately adopted, but is founded on the most mature consideration—after a deliberation of four months, for so much had elapsed subsequent to the signing of the Treaty; the French Minister feels himself compelled to declare, that the 25th Article, the weakest of the whole Treaty of those which concern Navigation, is the only
one

one that *he* can possibly admit as applying to a period of War—indeed he would have been wanting in the duty which he owed to his King and to his Country, had he acceded to any other interpretation of the Treaty; for if there is any strength in words or precision in expression, we find both united in the 5th and 19th Article of the Treaty of Commerce.

However, supposing for the sake of argument, that for a moment we admit, that it was fully understood by the *Ministers* of both Countries, that the *Hovering Acts* were *not* intended to be repealed—but if the words be doubtful, who can answer for the interpretation which they may receive from their *successors*—One of those Ministers already is dead; and God knows that the consumptive habit of the other but too fatally threatens, that he will never behold the termination of the present Treaty—but to return to our argument.

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The Treaty says, that all Laws and Statutes shall remain in full force and vigour, whether they relate to *Commerce and Navigation* or to any other right, excepting in those cases in which it is *otherwise determined* by the Treaty—now can any thing be more clear, than that the 1st Article of the Treaty which gives a *perfect freedom of Navigation* to the Subjects of France; the 5th Article which allows their Vessels to enter into our Ports, &c. and to remain there as long as they please; and the 19th which permits them to *make land in any other manner whatever*, do contain a *general grant*, the full enjoyment of which is incompatible with the *particular* regulations of the Hovering Acts—and therefore according to the precise words of the Article that directs the continuance of our Laws, this is a case in which it is *otherwise determined*.

But we will put a familiar instance that will speak home to the feelings of every
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Country Gentleman—suppose, that for a valuable consideration he were to grant to some person a general privilege of shooting on *every part* of his Manor—would he not be laughed at, if he were afterwards to say to this same person ; “ it is true, Sir, I gave you a permission to shoot on *every part* of my Manor, but at the same time I never intended that you should enter my favourite Turnip Field where all the Game lies.”—And yet, ridiculous as would be such a mode of conduct, it would not be more absurd than the contemptible quibble which is attempted to be set up with respect to this part of the Commercial Treaty.—

It has been said that similar privileges were granted to France by the Treaty of *Utrecht*, and that though the Hovering Acts have passed since that period, yet that they have never been urged by *France* as an infraction of that Treaty—Most indisputably they have not ; but we also know that
France

France never would expressly acknowledge the existence of that Treaty ; and it is obvious, that such a complaint would have been its direct admission ; and on the other hand, it would have been madness for Great Britain to have deemed herself bound by all the injurious parts, while she was to be deprived availing herself of those which might be advantageous—besides, this makes exactly for our argument, that the subsequent Regulation destroys the former one—and as the Treaty of 1786, does most materially militate with the Hovering Acts of 1763, 1779 and 1784, these latter must be considered as repealed.

Thus having shewn the effects of the Hovering Act, and having as the Author trusts, fully established, that its salutary regulations are totally done away by Mr. Eden's Treaty, we of course come to a conclusion of this part of our subject—yet before it is finally dismissed, it is impos-

sible to avoid observing, that though formerly Smuggling might be most materially injurious to the *British Distillery* and to the *Revenue*, yet at least it afforded this consolation, that it was a Nursery of Seamen for our *Navy*, the pride and bulwark of the *British Name*; but by this new fangled Treaty—this ill-begotten, undigested mass of absurdity and contradictions, *that* Nursery is destroyed, and the whole of its advantages transferred to our insidious rivals the French---Now, French Ships alone are to become the Carriers of illicit Trade, and the British Seamen must either starve, or relinquishing their ungrateful Country combine in the aggrandisement of the *NAVY OF FRANCE*.

DEFAL-

DEFALCATION OF REVENUE.

When the first Sheets of this publication were written, the Author was induced to fear that it would have been requisite for him to have entered into a variety of calculations, before he should have been enabled to reduce the present division of his subject to any thing like a state of perspicuity.—Questions of Revenue are in general so complex, and a perfect knowledge of their component parts so difficult to attain; that though he wished, yet he almost despaired of succeeding in his design—fortunately, however, for him, the ingenious Authors of **THE COMPLETE INVESTIGATION** and **THE BRITISH MERCHANT FOR 1787**, by their accurate researches, have prevented the necessity of an undertaking, the difficulty of which, to a person of inferior talents, could scarcely justify even a hope of success—he therefore trusts that he shall

shall stand excused, if he avails himself of labours so useful on the present occasion.—

According to these statements, it appears that the positive immediate reduction of our Revenue, supposing our Imports to remain the same as at present, will be as follows :

W I N E.

The first Article that obviously presents itself in the consideration of a French Treaty, is *Claret*.---As this, instead of paying 96l. 5s. 3d. 84-100ths per ton, is in future to pay only 45l. 19s. 9d. 12-100ths, and the quantity imported being 391 tons; the loss to the Revenue will be 19,655l. 8s. 9d.

The quantity of *Portugal Wines* imported was 11,570 tons, the rate of duty on which, if reduced to the former proportion it bore to the French Wines, and which it must be, or the Clothiers of Yorkshire will be ruined,

ruined *, will occasion a reduction in the Revenue of 290,859l. 3s. 10d.

The *Spanish Wines* as they will remain at higher duties even than the *French*, so they can scarcely be supposed to continue any thing like their present Sale—or indeed to retain any market at all, excepting for those which are used medicinally, such as *Tent* and *Mountain*; but as the difference of duty between them and the Wines of France will be but inconsiderable—we will take that part alone which is composed of *Sherry*, for which of course *Maderia* being so much cheaper and better will be substituted---the quantity of *Spanish Wine* imported is 2,534 tons; of this, one half is supposed to be *Sherry*, instead of which if we drink *Madeira*, the difference of duty on 1267 tons, will be 33,077l. 13s. 5d.

B R A N D Y.

The quantity imported is 829,921 gallons, from which if we deduct 2s. 6d.

* Vide for authentic statement WOOLLEN DRAPER'S LETTER.

12-20ths per gallon, as agreed by the Treaty, the loss on this Article will be 105,814l. 10s. 9d.

R u m.

The quantity of Rum imported is 3,014,114 gallons, on this is to be made a reduction of 3d. per gallon, the amount of which is 37,676l. 8s. 6d.

There are a variety of smaller Articles; the duties on which will be affected; but as it is impossible to furnish him with an exact account, their *quantum* will be left to the judgment of the reader.

The gross amount therefore of the *present* defalcation will be,

			£.	s.	d.
Wine,	-	-	343,592	6	0
Brandy,	-	-	105,814	10	9
Rum,	-	-	37,676	8	6
Total loss to Revenue -			487,082	5	3
			Such		

Such is the alteration in the Revenue of Great Britain supposing the most favourable case, namely, that the Laws against Contraband Trade are still to remain in full force ; but, if, as we too must fear, we have established, that those Laws are by this Treaty totally abrogated, and not only that the late *Hovering Act*, but that also almost *every former restriction* on Contraband Commerce is equally destroyed ; in reverting only to the period immediately preceding the Act of 1784, as the state in which our Revenue will be placed by Mr. Eden's Treaty ; whatever other objections may be made to this publication, the Author is at least assured, that it cannot be accused of want of candour and liberality towards our Negotiators.

It has before been shewn what was the immediate operation of the *Hovering Act* of 1784, on the British Distillery and the Importation of Brandies—the cause of this increase being removed, without entering

very deep into philosophy, it is pretty evident that the effect must also cease.

We will begin with *British Spirits* as being the Article of most importance to the Land-owners.

* The quantity distilled in 1785 was 3,418,572 gallons, which at a duty of *two shillings* per gallon, produced 341,857l. 5s. 7d.

The quantity that paid duty in 1783, was 1,361,616 gallons; but as according to the regulation of 1784, the quantity of Wash which previously paid only for 15 gallons of Spirits, was in future to be rated at 20 gallons; if we want to find the real quantity distilled, we must add *one third* of the whole, being 453,872 gallons, which will render the gross amount of 1783, according to the present mode of consumption, 1,815,488 gallons—this therefore we

* For the following calculations, *vide Report of COMMITTEE OF FINANCE, 1786.*

must

must take as the real gross produce of 1783 —and which, as an additional 6d. per gallon was made in 1786, we must calculate at 2s. 6d. per gallon, the duty on which will be 226,936l. which if deducted from 341,857l. the duty of 1785.

The diminution of the annual amount of the duty on *British Spirits*, in consequence of the repeal of the *Hovering Act*, will be

-	-	£. 114,921 0 0
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The duties on Brandy from Michaelmas 1783 to Michaelmas 1784, that is to say, the year immediately previous to the *Hovering Act*, amounted to 391,429l., but in the year 1785 they rose to 723,495 l., if therefore we suppose them to fall to their former state.

The diminution of the annual amount of the duties on *Brandy*, in consequence of the *Repeal of the Hovering Act*, will be

-	-	£. 332,066 0 0
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These constitute the principal Articles which were aided by the Hovering Act, and therefore though there are a variety of other smaller Reductions, their calculation shall for the present be forborne.

The Defalcation of the Revenue will then run thus :

	£.	s.	d.
REDUCTION, by the decrease in the Rates of Duties,	487,083	5	3

REDUCTION by Repeal of
HOVERING ACT.

<i>British Spirits,</i>	114,921	0	0
<i>Brandy, -</i>	332,066	0	0
	446,987	0	0

TOTAL DEFALCATION OF REVENUE IN CONSEQUENCE OF COMMERCIAL TREATY,	934,070	5	3

We

We have here given the most moderate statement, but had the Author been inclined to swell his account with uncertain though probable deficiencies, he might have added, that the West-India Merchants have alledged, that the Market for *Rum* must be ruined if not aided by a larger reduction than that which the Minister has proposed ; and which reduction he has declared is the utmost he will grant.

It might also have been urged, that Mr. Pitt has most positively asserted, that he will on no account lessen the Duties on the *British Distillery*, though if any reduction was requisite on our *Rum*, at least a similar reduction was necessary to afford our own Manufacture of Spirits an equal chance of success ; but as it was the intention of the Author, only to shew positive and inevitable deficiencies, he was anxious to avoid wandering in the fields of speculation.

One observation alone remains with regard to the Defalcation of our Revenue: It has been urged, that this deficiency will be made good by the increase of *Customs* on *French Goods*; but let it be recollected, that this *increase* of *Customs* on FRENCH Goods can only be obtained by a proportionate *decrease* of *Excises* on OUR OWN.

After this plain statement, the Author will not so far insult the understandings of his readers as not to leave them at perfect liberty to form their own conclusions.—If his arguments be founded on the best authorities, they will, no doubt, receive that candid and liberal attention which must ever be due to truth; but if they be formed in fallacy and misrepresentation, they will merit that contempt which should ever accompany those whose only wish is to mislead and betray.—That many objections

jections may be made to this Appeal, he has no doubt: one in particular he is more than anxious to remove, namely, any imputation of illiberality towards our Manufacturers.—But it should be recollected that it is the principles of the *Trade* and not those of the *Trader* to which he objects—those principles he still contends are attached and inherent to the very existence of our Manufactures----but had he affirmed that many individuals of the Manufacturers were not possessed of minds sufficiently enlarged to prefer the general *future* benefit of their Country to their own *immediate* private advantage, the conduct of Messrs. WALKER, BELL, and the other Members of the CHAMBER OF COMMERCE would have given the *Lie direct* to the foolish aspersions.

We have heard a great deal of the Term *Natural Enemy*, of the illiberality of applying it to France, and of the present period being so enlightened as not to be fettered by the prejudices of their Ancestors---

tors----*God* grant we may not be *too* enlightened ! A too confident reliance on our own talents, is at least as oftentimes fatal, as an undeviating adherence to the opinion of others---That our taste has of late years obtained a considerable degree of refinement is obvious to the most transient observation, but whether our judgments have borne a proportionable increase, the experience of future ages alone can ascertain.

Indeed, though adopting the sentiments of ancient times, may in part be occasioned by a certain enthusiastic affection which we retain towards the remains of our forefathers ; yet, at least, as large a share partakes not of this blind bigotry for antique legends---Opinions can never receive the unvarying sanction of Ages, unless they are founded upon something more than the delusions of passion ; upon something more than the fantasies of prejudice---For though the bright emanescence of truth may for a moment yield to the all - darkening vapours

vapours of falshood, yet it is only that it may again burst forth in superior lustre to re-animate a blushing World.

But let us examine what is the meaning of this word *Enemy*—it not only signifies the person who pursues me with every species of rancour and cruelty—but it also applies with equal force to him whose interests are in direct opposition to mine—one who cannot succeed but on my failure---one whose very existence depends on my overthrow----and this latter sense is the precise mode in which it has been applied to France----her Commerce, her Manufactures, her produce, are almost precisely the same with our own; and consequently as she rises we must fall---the injuries which she does us are involuntary, yet still they are injuries----and therefore, as it is not *inclination* that prompts, but *necessity* that compels her to oppose us, we have very liberally and

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candidly

candidly distinguished her conduct by the appellation of *Natural Enmity*.

Such have been the uniform sentiments of Englishmen for near one thousand years.---However, Mr. Pitt thinks it wise to remove this veil of prejudice that has so long incumbred our political Vision; but let him have a care lest he find that like the shirt of Hercules it adheres to our very vitals, and that we can only part with *that* and our existence at the same period.

But it is a joke to talk any longer of our enmity to France being merely the effect of prejudice—If it be a *prejudice*, it is a *prejudice* under which our Commerce has attained to its present glorious state of exaltation---If it be a *prejudice*, it is a *prejudice* that has invariably been adopted by the most celebrated and the wisest of our Sovereigns, and till the present instance

stance has only been deviated from by the most unfortunate and the most stupid--- If it be a *prejudice*, it is a *prejudice* that has governed the most successful of our Ministers---If it be a *prejudice*, it is a *prejudice* that has deceived a BURLEIGH, a MARLBOROUGH, and a CHATHAM.

F I N I S.

1843
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